



**PRESENT:**

Mr. Daniel A. Gecker, Chairman  
Mr. Sherman W. Litton, Vice-Chairman  
Mr. Phillip G. Cunningham  
Mr. Russell J. Gulley  
Mr. Ronald K. Stack  
Mr. Thomas E. Jacobson, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Kirkland A. Turner, Development Manager,  
Community Development  
Mr. William D. Poole, Assistant Director,  
Development Review, Planning Department  
Mr. Glenn E. Larson, Assistant Director, Plans and Information  
Section, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects, Planning Department  
Mr. Robert V. Clay, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Jane Peterson, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Darla W. Orr, Senior Planner, Zoning and  
Special Projects, Planning Department  
Mr. Fred Moore, Planner, Zoning and  
Special Projects, Planning Department  
Mr. J. Michael Janosik, Zoning Administrator,  
Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review, Planning Department  
Mr. Alan G. Coker, Senior Planner, Development  
Review, Planning Department

Mr. Doug Mawby, Senior Planner, Development

Review, Planning Department  
Mr. David A. Hainley, Planning Administrator,  
Development Review, Planning Department  
Ms. Barbara Fassett, Planning Administrator, Advance Planning  
and Research Branch, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Branch, Planning Department  
Mr. George W. Schanzenbacher, Principal Planner, Advance  
Planning and Research Branch, Planning  
Mr. Steven F. Haasch, Planner, Advance Planning and  
Research Branch, Planning Department  
Ms. Linda N. Lewis, Administrative Secretary, Administrative  
Branch, Planning Department  
Ms. Teresa C. Davis, Administrative Specialist, Administrative  
Branch, Planning Department  
Mr. Jeffrey L. Mincks, Deputy County Attorney,  
County Attorney's Office  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Ms. Lola M. Rodriguez, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Budget Manager,  
Budget and Management Department  
Mr. Stan B. Newcomb, Principal Engineer,  
Transportation Department  
Mr. Douglas Pritchard, Jr., Engineering Supervisor,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Mr. Michael S. Golden, Director,  
Parks and Recreation Department  
Mr. Stuart Connock, Jr., Chief of Park Design  
and Construction, Parks and Recreation Department  
Mr. Phil Innis, Assistant Director, Recreation Division,  
Assistant Fire Marshal Steve Hall, Fire and Life Safety,  
Fire Department  
Captain Jim Fitch, Fire and Life Safety,  
Fire Department  
Ms. Cynthia Owens-Bailey, Director of Planning,  
School Administration

## **WORK SESSION**

At approximately 1:04 p. m., Messrs. Gecker, Cunningham, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for a work session to discuss the following:

- A. **Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. **Review Day's Agenda.**  
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. **Plans and Information Section Projects Update.**
- D. **Work Program – Review and Update.**
- E. **Consideration of the following Administrative Substantial Accord Determinations:**

<b><u>CASE AND DISTRICT</u></b>	<b><u>APPLICANT</u></b>	<b><u>REQUEST</u></b>	<b><u>PROJECT NAME</u></b>
03PD0343 Matoaca	Chesterfield County Parks and Recreation	Substantial Accord Determination	Spring Run Elementary School Athletic Facility Expansion
03PD0366 Matoaca	Chesterfield County Parks and Recreation	Substantial Accord Determination	Horner Park Expansion
043PD0103 Clover Hill	Manchester-Richmond Lodge #699	Substantial Accord Determination	Manchester Moose Cell Tower

- F. **Action Relative to:**
  - ◆ **Set Date for Special CPC Work Session relative to Draft Public Facilities Plan.**
- G. **Discussion Relative to:**
  - ◆ **Residential Access Study (Connectivity Policy).**
  - ◆ **Residential Lot Area Definition.**

A. **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission amended the agenda to add a new Item D., Discussion of Code Amendment relative to display of banners advertising onsite activities of nonprofit organizations and reordered the remainder of the agenda accordingly.

AYES: Messrs. Gecker, Cunningham and Stack.  
ABSENT: Messrs. Litton and Gulley.

B. **REVIEW DAY'S AGENDA.**

Mr. Allen updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session, as well as the proposed Code Amendment relating to Special Exceptions and Conditional Uses in Residential and Agricultural Districts.

**C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.**

Mr. Schanzenbacher updated the Commission as to the status of the Western Route 360 Corridor Plan.

Mr. Litton arrived at approximately 1:55 p. m.

Mr. Bowling updated the Commission as to the status of the proposed draft Matoaca Village Plan and related Ordinance Amendments scheduled for public hearing on September 16, 2003.

**D. CODE AMENDMENT RELATIVE TO DISPLAY OF BANNERS ADVERTISING ONSITE ACTIVITIES OF NONPROFIT ORGANIZATIONS.**

Mr. Jacobson summarized the proposed Code Amendment relative to display of banners for nonprofit organizations.

Upon conclusion of a brief discussion, it was on motion of Mr. Cunningham, seconded by Mr. Litton, that the Commission set the date of, and requested staff advertise, September 16, 2003, at 7:00 p. m., for a public hearing to consider a proposed Code Amendment relative to display of banners advertising onsite activities of nonprofit organizations.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

**E. WORK PROGRAM.**

On motion of Mr. Cunningham, seconded by Mr. Litton, the Commission set the date of, and requested staff advertise, September 16, 2003, at 7:00 p. m., for a public hearing to consider a proposed Code Amendment to allow signs to be placed in the ultimate road right of way subject to a license from the County.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

The Commission also requested staff to schedule the proposed Chesapeake Bay Ordinance Amendments and Retaining Wall Design projects for discussion at the September 16, 2003, Planning Commission Work Session.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their September 2003 Work Program, as outlined by Mr. Jacobson.

**E. Consideration of the following Administrative Substantial Accord Determinations:**

<b><u>CASE AND DISTRICT</u></b>	<b><u>APPLICANT</u></b>	<b><u>REQUEST</u></b>	<b><u>PROJECT NAME</u></b>
03PD0366 Matoaca	Chesterfield County Parks and Recreation	Substantial Accord Determination	Spring Run Elementary School Athletic Facility Expansion

Mr. Jacobson presented a summary of the request and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission confirmed the decision of the Director of Planning that the proposed public facility met the requirements outlined in Part 4 of the County's Substantial Accord Policy, in accordance with the following conditions:

**CONDITIONS**

1. The following set back criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
  - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent property in R Districts. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522(a)(2) of the Zoning Ordinance.
  - b. If new outdoor play fields, courts, swimming pools and similar active recreational areas are set back more than 100 feet from adjacent property in R Districts, the landscaping or other design features described above may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish a mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100-foot setback/landscaping requirements described in the condition above.
  - c. Any playground areas shall be setback a minimum of forty (40) feet from all property lines. (P)
2. With the exception of buffers and setbacks for play fields, courts, swimming pools, playgrounds and similar active recreational areas, development of the property shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

(NOTE: The requirements of the underlying Agricultural (A) zoning classification, where these requirements exceed the requirements of the Ordinance for O-2 Districts in Emerging Growth Areas, remain applicable for any athletic facility developed on the property.)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley.

03PD0343	Chesterfield County	Substantial Accord	Horner Park
Matoaca	Parks and Recreation	Determination	Expansion

Mr. Jacobson presented a summary of the request and staff's recommendation.

Mr. Mike Golden, Director of Parks and Recreation, requested deferral of Case 03PD0343 to the September 16, 2003, Planning Commission meeting to allow further review of utility issues.

There was no opposition to the deferral.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission resolved to defer Case 03PD0343 to the September 16, 2003, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley.

043PD0103	Manchester-Richmond	Substantial Accord	Manchester Moose
Clover Hill	Lodge #699	Determination	Cell Tower

Mr. Jacobson presented a summary of the request and staff's recommendation.

Ms. Rogers distributed a suggested amendment to Condition 5 requested by Mr. Gulley, noting that Mr. Gulley had indicated his support of the request with the amendment.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission the decision of the Director of Planning that the proposed public facility meets the requirements outlined in Part 4 of the County's Substantial Accord Policy, in accordance with the following conditions:

#### CONDITIONS

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from

adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)

3. The tower and equipment shall be designed and installed so as not to interfere with the Chesterfield County Communications System. At the time of site plan review, the owner/developer shall submit information as deemed necessary by the Chesterfield County Communications and Electronics staff to determine if an engineering study should be performed to analyze the possibility of radio frequency interference with the County system, based upon tower location and height, and upon the frequencies and effective radiated power generated by tower mounted equipment. Prior to release of a building permit the study, if required, shall be submitted to, and approved by, the Chesterfield County Communications and Electronics staff. (GS)
4. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
5. The design, color and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be of a monopole structure.
  - d. The tower shall be limited to a maximum of three (3) carriers, having a maximum of three arrays.
  - e. Arrays shall be attached to the monopole using low profile mounts, as generally shown on the plans attached to the "Request Analysis" labeled 04PD0103. (P)
6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

**F. Action Relative to:**

- ◆ **Set Date for Special CPC Work Session relative to Draft Public Facilities Plan.**

On motion of Mr. Stack, seconded by Mr. Litton, the Commission set the date of October 27, 2003, at 6:00 p. m. for a Special Work Session to discuss the draft Public Facilities Plan and the Affordable Housing Element in the Comprehensive Plan.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

**G. Discussion Relative to:**

◆ **Residential Access Study (Connectivity Policy).**

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission set the date of, and requested staff advertise, September 16, 2003, at 7:00 p. m., for a public hearing to consider the proposed Residential Access Study (Connectivity Policy).

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

**Residential Lot Area Definition.**

On motion of Mr. Litton, seconded by Mr. Stack, the Commission set the date of, and requested staff advertise, September 16, 2003, at 7:00 p. m., for a public hearing to consider an Amendment of Section 17-83 of the Subdivision Ordinance relating to lot and parcel standards.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

**3:00 P. M. AFTERNOON SESSION**

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**B. APPROVAL OF PLANNING COMMISSION MINUTES:**

Mr. Jacobson stated that the first order of business would be the consideration of the July 15, 2003, Planning Commission minutes.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to approve the July 15, 2003, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

**C. CONSIDERATION OF THE FOLLOWING REQUESTS:**

◆ **REQUEST FOR DEFERRAL BY APPLICANT.**

**00PR0149:** In Bermuda Magisterial District, **LAVERNE C. COLE** requested deferral to October 21, 2003, for consideration of Planning Commission approval of a site plan for a 2,600 square foot convenience/fast-food

building, as required by Proffered Condition 18 of Zoning Case 97SN0150. This project is commonly known as **COLE C'STORE**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 470 feet on the north line of Route 10, also fronting approximately 210 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

Mr. Derrick Johnson; the applicant's representative, requested deferral to the October 21, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 00PR0149, Laverne C. Cole (Cole C'Store), to the October 21, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

**03PR0333:** In Clover Hill Magisterial District, **BLACKWOOD DEVELOPMENT** requested Planning Commission approval for architecture per Condition 1 for the commercial and office tracts for the Bottoms Property and Condition 3 for the Dankos Property of zoning Case 01SN0121. This property is commonly known as **WAWA – U.S. 360**. This request lies in a Neighborhood Business (C-2) District on part of four (4) parcels totaling 33.9 acres located in the northwest quadrant of the intersection of Temie Lee Parkway and Hull Street Road. Tax IDs 724-671-Part of 7292; 724-672-Part of 8102; 725-672-Part of 0417; and 725-672-Part of 1073 (Sheet 15).

Mr. Willis Blackwood, the applicant, accepted deferral of Case 03PR0333 as recommended by Mr. Gecker to allow the applicant additional time to resolve architectural issues.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 03PR0333, Blackwood Development (Wawa – U.S. Route 360), to the September 16, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley.

**03PR0337:** In Clover Hill Magisterial District, **MEXICO RESTAURANT** requested Planning Commission approval for architecture per Condition 3 for the Dankos Property of zoning Case 01SN0121. This project is commonly known as **MEXICO RESTAURANT – U.S. 360**. This request lies in a Neighborhood Business (C-2) District on part of a 5.798 acre parcel fronting approximately 320 feet on the north line of Hull Street Road, also lying approximately 260 feet east of the intersection of Southshore Drive and Hull Street Road. Tax ID 725-

672-Part of 0417 (Sheet 15).

Mr. Willis Blackwood, the applicant, accepted deferral of Case 03PR0337 as recommended by Mr. Gecker to allow the applicant additional time to resolve architectural issues.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 03PR0337, Mexico Restaurant (Mexico Restaurant – Route 360), to the September 16, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**03PW0363:** In Midlothian Magisterial District, **STONEMILL ASSOCIATES, INC.** requested Planning Commission approval of a development standards waiver to Section 19-514(d)(1) Surface Treatment, Required Paved Parking Surfaces, of the Zoning Ordinance. Specifically, the applicant requests permission to have a graveled vehicle storage yard. This project is commonly known as **STONEMILL - GROVE PARK COURT**. This request lies in a General Business (C-5) District on part of two (2) parcels totaling 4.319 acres fronting approximately 450 feet on the south line of Grove Park Court. The specific area for this proposal lies past the eastern terminus of the road. Tax IDs 740-706-Part of 3786 and 740-707-Part of 2815 (Sheet 6).

Mr. Aaron Breed; the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission found Case 03PW0363, Stonemill Associates, Inc. (Stonemill – Grove Park Court), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-514(d)(1) of the Zoning Ordinance requiring paved parking, subject to the following conditions:

**CONDITIONS:**

1. The waiver shall be for the requested use only and in the location shown on the plan.
2. The waiver shall be temporary, lasting one (1) year only.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

**03PR0291:** (Amended) In Bermuda Magisterial District, **SAC PROPERTIES, LLC** requested Planning Commission approval of a site plan for a 6,000 square foot dentist office, as required by Proffered Condition 18

of Zoning Case 97SN0150. This project is commonly known as **CASTRO DENTIST OFFICE**. This request lies in Neighborhood Business (C-2) and Agricultural (A) Districts on a .919 acre parcel and part of two (2) parcels totaling 8.22 acres fronting approximately 128 feet on the north line of Route 10, also lying approximately 700 feet west of the intersection of Rock Hill Road and Route 10. Tax IDs 796-655-Part of 3840 and 8223 and 797-655-Part of 0018 (Sheet 26).

Mr. Derrick Johnson; the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved that site plan approval, as required by Proffered Condition 18 of zoning Case 97SN0150, for Case 03PR0291, SAC Properties, LLC (Castro Dentist Office), shall be and it thereby was granted, subject to the following condition and review comments:

#### CONDITION

Plans shall be submitted for administrative review and approval which accomplish the following six (6) staff review comments:

#### REVIEW COMMENTS

1. The private sewer easement and sewer connection agreement must be signed by the developer. (U)
2. The fifty (50) foot ingress/egress easement agreement must allow access for the public to be used as the access easement for the SWM/BMP, otherwise, the twenty (20) foot wide SWM/BMP access easement will need to be extended to the right of way limits for Route 10. (EE)
3. The following comments are in reference to the underground SWM facility now proposed:
  - A) The runoff coefficient used in the pre-developed runoff calculations must reflect the current site conditions. Note that for forested areas, a runoff coefficient of 0.25 must be used. The 0.35 coefficient used in the calculations submitted may be used for the areas that are vegetated with grass. Provide the new weighted pre-developed runoff coefficient calculations.
  - B) Provide a trash rack for the 4.5" orifice.
  - C) Structure 3 must be revised to a manhole.
  - D) The inflow hydrograph calculations must be revised using the calculated allowable release rates for the two (2) and ten (10) year storms. Revise the routing calculations accordingly.
  - E) Specify on the construction plans that the pipe joints will be water tight. (EE)

4. Revise the cover sheet and the site plan sheet to add Tax IDs 796-655-Part of 3840 and 797-655-Part of 0018. (P)
5. Provide detailed information about site light fixture regarding flat lens, matching bulb type and full light cut-off. (P)
6. Provide color sample of siding to provide color shown on colored rendering dated March 18, 2003, or color compatible with the Chester Police Precinct building. (P)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley.

**03PR0338:** In Midlothian Magisterial District, **RON EVANS** requested Planning Commission approval of a site plan in conjunction with a reduction of the required fifty (50) foot buffer adjacent to residentially-zoned property. This project is commonly known as **SALISBURY WEST OFFICE PARK, PHASE I**. This request lies in a Light Industrial (I-1) District on an 8.695 acre parcel fronting approximately 1,000 feet on the west line of Wylderose Drive, also fronting approximately 650 feet on the south line of Otterdale Road. Tax IDs 720-711-Part of 3871 and 721-711-0329 (Sheet 5).

Mr. Jeff Collins; the applicant's representative, accepted staff's recommendation.

Mr. Allen presented an overview of the request and staff's recommendation.

When asked, several persons indicated opposition to the request.

Mr. Collins stated he had only recently become aware of area residents' concerns and suggested the request be deferred to the September 16, 2003, meeting so he could meet with the residents to discuss their concerns.

Ms. Maureen Palaszynski and Ms. Karen Turner, area residents and/or adjacent property owners, expressed concerns relative to the appropriateness, location and impact of the proposed use in the area and asked the request be deferred to the September 16, 2003, Planning Commission meeting to allow them an opportunity to meet with Mr. Gecker and the developer to discuss the matter.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to defer Case 03PR0338, Ron Evans (Salisbury West Office Park, Phase I), to the September 16, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley.

#### **D. FIELD TRIP AND DINNER.**

##### **◆ FIELD TRIP SITE SELECTION:**

The Commission resolved to forego their Field Trip.

◆ **DINNER LOCATION:**

On motion of Mr. Stack, seconded by Mr. Litton, the Commission resolved to meet for dinner at 5:00 p. m. at the El Paso Restaurant in Chesterfield Meadows Shopping Center.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley.

**E. ADJOURNMENT.**

On motion of Mr. Stack, seconded by Mr. Litton, the Commission adjourned the Afternoon Session at approximately 3:16 p. m. and departed the Public Meeting Room, agreeing to meet for dinner at 5:00 p. m. at the El Paso Restaurant in Chesterfield Meadows Shopping Center.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

**7:00 P. M. EVENING SESSION**

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

**A. INVOCATION.**

Mr. Litton presented the invocation.

**B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Clay led the Pledge of Allegiance to the Flag.

**C. REVIEW MEETING PROCEDURES.**

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the September 16, 2003, agenda was comprised of ten (10), the October 21, 2003, agenda was comprised of fifteen (15) cases, and the November 18, 2003, agenda had a total of four (4) cases, noting the Commission had also scheduled a Special Work Session on October 27, 2003, at 6:00 p. m. to discuss the draft Public Facilities Plan and the Affordable Housing Element in the Comprehensive Plan.

**D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**E. CONSIDERATION OF THE FOLLOWING REQUESTS:**

◆ **REQUESTS FOR DEFERRAL BY APPLICANT.**

**03SN0307:** In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested deferral to November 18, 2003, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of up to 2.2 units per acre. This request lies on 98.7 acres fronting approximately 320 feet on the north line of Hensley Road approximately 2,600 feet west of N. Donegal Road, also fronting approximately 1,850 feet on the south line of Spring Run Road, measured from Bailey Bridge Road. Tax ID 730-663-3520 (Sheet 24).

Mr. Oliver "Skitch" Rudy, the applicant's representative, requested deferral to the November 18, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 03SN0307 to the November 18, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0312:** In Matoaca Magisterial District, **VICTOR P. MORRISSETTE** requested deferral to November 18, 2003, of consideration for rezoning and amendment of zoning district map from Residential (R-25) to Agricultural (A). Residential use of up to 1.0 unit per acre is permitted in an Agricultural (A) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning. This request lies on 67.3 acres fronting approximately 1,200 feet on the south line of Beach Road approximately 400 feet east of Buckhorn Road, also fronting in two (2) places for a total of approximately 220 feet on the east line of Buckhorn Road approximately 800 feet south of Beach Road. Tax IDs 740-650-6868; 740-651-3549, 6254 and 8357; 741-651-0661 and 3165 (Sheet 24).

Mr. Michael Wingfield, the applicant's representative, requested deferral to the November 18, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 03SN0312 to the November 18, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**02SN0238:** In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested deferral to November 18, 2003, of consideration for amendment to Conditional Use Planned Development (Case 88S008) and amendment of zoning district map on part of property which is commonly known as Greenspring's A. E. Howard

tract. Specifically, the applicant desires to develop this 136.3 acre tract as a single development from the originally-zoned 1,312.7 acre tract. In general, amendments are requested relative to the approved Master Plan, historic structures, provision of a golf course, road improvements, land dedications and reservations, utilities, drainage, erosion and water quality. A mixed use development consisting of residential, office and commercial uses is planned. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and single family residential use of 2.0 units per acre or less. This request lies in Residential (R-9) and Corporate Office (O-2) Districts on 136.3 acres fronting approximately 1,200 feet on the east line of Otterdale Road, approximately 2,900 feet south of Gamecock Road. Tax ID 718-691-6889 (Sheet 9).

Mr. Litton declared a potential conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 7:06 p. m.

Mr. John Easter, the applicant's representative, requested deferral to the November 18, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 02SN0238 to the November 18, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.  
ABSENT: Mr. Litton.

Mr. Litton returned to the meeting at approximately 7:07 p. m.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**03SN0161:** In Bermuda Magisterial District, **MICHAEL T. BARR** requested rezoning and amendment of zoning district map from Agricultural (A), Residential (R-15), Light Industrial (I-1) and General Business (C-5) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 1.01 to 4.0 units per acre and community commercial uses. This request lies on 85.5 acres fronting approximately 140 feet on the east line of Old Centralia Road at Centralia Road, also fronting in two (2) places for a total of approximately 2,050 feet on the west line of Route 288, approximately 300 feet south of Chester Road. Tax IDs 789-663-8217; 780-664-5240 and 7152; 789-665-Part of 0710; 790-663-Part of 6322; and 790-664-5317 (Sheet 26).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0161 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield at the time of building permit application for infrastructure improvements within the service district for the property:
  - A. \$8,792.00 per dwelling unit, if paid prior to July 1, 2003; or
  - B. The amount approved by the Board of Supervisors not to exceed \$8,792.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
  - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. All dwelling units shall have a minimum gross floor area of 1800 square feet. (P)
5. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
6. Construction traffic for initial development on the subject property shall be prohibited on Tuscola Drive through the Mineola Heights Subdivision. (P)
7. No access shall be permitted to connect to Centralia or Old Centralia Roads. (T)
8. The maximum density of this development shall not exceed 130 lots. (P)
9. The developer shall be responsible for notifying by registered, certified or first class mail, the owners of record of properties adjoining the limits of properties included in Case 03SN0161 of the submission of any tentative subdivision plan. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to approval or disapproval of the plan. The developer shall provide the Planning Department with an affidavit that such notice has been sent. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0300:** In Bermuda Magisterial District, **ALLEN M. TWEDT** requested Conditional Use and amendment of

zoning district map to permit a computer-controlled, variable message electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies in a General Business (C-5) District on 4.7 acres and is known as 2401 West Hundred Road. Tax ID 799-654-9625 (Sheet 26).

Mr. Neil Patel, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0300, subject to the following condition:

#### CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
- b. The copy display color shall either be white or yellow;
- c. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- d. Flashing and traveling messages shall be prohibited; and
- e. Bijou lighting effects shall be prohibited. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0303:** In Matoaca Magisterial District, **SWIFT CREEK ASSOCIATES, L.P.** requested an amendment to Conditional Use Planned Development (Case 87S134) and amendment of zoning district map relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in Community Business (C-3) and Corporate Office (O-2) Districts on 168.8 acres fronting approximately 2,200 feet on the south line of Hull Street Road, approximately 850 feet west of Commonwealth Centre Parkway. Tax IDs 732-674-3945; 732-675-1337 and 8246; 732-676-9406; 733-676-1943; 734-675-0754; 734-676-1227; and 735-675-1076 (Sheet 16).

Mr. John Easter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0303 and acceptance of the following proffered condition:

## PROFFERED CONDITION

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

Freestanding Signs. Under the terms of this CUPD, there shall be no more than two (2) freestanding signs identifying residential and nonresidential tenants and projects, and such signs shall not exceed one hundred (100) square feet in size or twenty (20) feet in height. The aforesaid signs shall be in lieu of the mixed use identification sign and nonresidential community sign that would otherwise be permitted under the zoning ordinance, but shall not affect other signage permitted under the zoning ordinance.

(NOTE: All other conditions of Case 87S134, as amended by Cases 00SN0280 and 02SN0283, shall remain in effect.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0306:** In Midlothian Magisterial District, **STONY POINT REFORMED PRESBYTERIAN CHURCH** requested Conditional Use and amendment of zoning district map to permit a private school use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for public/semi-public use. This request lies in a Residential (R-15) District on 4.7 acres and is known as 2330 Buford Road. Tax ID 755-717-3976 (Sheet 3).

Mr. Jack Wheeler, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0306, subject to the following conditions and acceptance of the following proffered conditions:

## CONDITIONS

1. Except where the requirements of the underlying Residential (R-15) zoning are more restrictive, any new development for school use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth Areas, excluding buffer requirements. (P)
2. The following setback criteria shall apply to any outdoor play fields, courts swimming pools and similar active recreational areas:
  - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active

recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north, south and east. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522(a)(2) of the Zoning Ordinance.

- b. If active play fields, courts, swimming pools and similar active recreational areas are setback more than 100 feet from the adjacent properties to the north, south and east, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.
- c. Any playground areas (swings, jungle gyms or similar such facilities) shall be setback a minimum of forty (40) feet from all property lines. (P)

#### PROFFERED CONDITIONS

- 1. The operation of the private school shall be in conjunction with a church use only. (P)
- 2. This Conditional Use shall be granted for a period not to exceed three (3) years from the date of approval. (P)
- 3. The maximum total number of students enrolled during each school year shall be seventy (70). (P)
- 4. There shall be no direct access from the property to Buford Road. (T)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0247:** In Dale Magisterial District, **BRUCE COBLE** requested rezoning and amendment of zoning district map from Agricultural (A) to Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 21.6 acres fronting approximately 1,275 feet on the west line of Lewis Road, approximately 1,320 feet south of Iron Bridge Road. Tax ID 773-648-Part of 0618 (Sheets 25 and 33).

Mr. Brennen Keene, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN0247 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The Owner and the Applicant (the "Applicant") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their

successors or assigns, proffer that the development of the 21.6 parcel (the "Property") that is a part of the property known as GPIN 773-648-0618 (Part of) under consideration will be developed according to the following conditions, if, and only if, the rezoning from A to I-2 is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. The Property shall only be accessed by use of existing driveway located on the parcel to the north (part of Tax ID #773-648-0618) of the Property. (T)
2. Prior to any site plan approval, forty-five (45) of right-of-way on the west side of Lewis Road, measured from the centerline of that part of Lewis Road immediately adjacent the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Prior to the issuance of an occupancy permit, additional pavement shall be constructed along Lewis Road at the existing driveway that serves the adjacent parcel to the north (part of Tax ID #773-648-0618) to provide a right turn lane. The developer shall dedicate free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) necessary for this improvement. (T)
4. Except as otherwise provided, no more than 200,000 square feet of mini-warehouse space shall be developed on the Property. If either a use other than mini-warehouse or more than 200,000 square feet of mini-warehouse is to be developed on the Property, the density of that use shall be limited to a density that is anticipated to generate a traffic volume equivalent to the 200,000 square feet of mini-warehouse space, as determined by the Transportation Department. The Transportation Department may increase the density on the Property, provided the developer or others, as the case may be, reconstruct Lewis Road as a two (2) lane facility with twenty-two (22) foot wide travel lanes with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder on each side of the road from Route 10 to the approved access, construct additional pavement along Lewis Road at the approved access to provide a left turn lane, and construct additional pavement along Route 10 at the Lewis Road intersection to provide an eastbound right turn lane on Route 10. The developer or others, as the case may be, shall also be responsible to provide to Chesterfield County, any additional right-of-way (or easements) necessary for these improvements. Alternate road improvements, as requested by the developer and approved by the Transportation Department, which provides acceptable levels of service, as determined by the Transportation Department, may be substituted for the road improvements identified above. (T)
5. The public wastewater system shall be used. (U)
6. Views of any use developed on the Property shall be minimized from the residentially developed properties that currently exist on the north line of Lake Dale Drive (the "Lake Dale Properties"). At the time of site plan review, the Applicant shall submit a plan to the Planning Department showing how views of the proposed development are to be minimized from the Lake Dale Properties (the "View Minimization Plan"). The View Minimization Plan shall identify different methods of minimizing views, including, but not limited to, any or a combination of the

following, as approved by the Planning Department: preservation of existing vegetation on the Property; the construction of a fence on the Property; and/or the installation of berms, and/or additional plantings on the Property. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CODE AMENDMENT RELATING TO SPECIAL EXCEPTIONS AND CONDITIONAL USES  
IN RESIDENTIAL AND AGRICULTURAL DISTRICTS:**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-65, 19-66, 19-67, 19-68 and 19-124 and adding Sections 19-68.1, 19-73.1, 19-78.1, 19-83.1, 19-88.1 and 19-93.1 relating to special exceptions and conditional uses in residential and agricultural districts.

◆ ◆ ◆

Ms. Rogers presented an overview of the proposed Code Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposal.

Mr. Gecker closed the public hearing at approximately 7:18 p. m.

It was the consensus of the Commission to defer a decision on the proposed Code Amendment relating to Special Exceptions and Conditional Uses in Residential and Agricultural Districts to the September 16, 2003, Planning Commission meeting.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION  
AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**03SN0305:** In Matoaca Magisterial District, **GILL GROVE BAPTIST CHURCH** requested Conditional Use and amendment of zoning district map to permit child care center and private school uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suitable for Residential (R-88) zoning. This request lies in an Agricultural (A) District on 8.4 acres fronting approximately 600 feet on the east line of River Road, approximately 20 feet south of Nash Road. Tax IDs 754-626-1279 and 3599 and 754-627-1520 (Sheet 40).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the application failed to address impacts on transportation facilities.

Mr. Jeff Collins, the applicant's representative, did not accept the recommendation, noting the applicant had proffered to construct a right turn lane but not a left turn lane and did not feel the right turn lane would be needed until such time as the cumulative school enrollment of 100 day care children was reached.

In response to a question from Mr. Cunningham, Mr. Collins indicated approximately fifty (50) to sixty (60) children were enrolled in the facility.

Mr. Stack stated he had visited the site and was aware of, and concerned about, the accident history, particularly at the Nash Road intersection. He stated although he understood staff's concerns and he had not moved away from the transportation recommendations lightly, he did not feel the church impacted the need for the improvements.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0305 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, any new development for school or child care center use shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth Areas, excluding buffer requirements. (P)
2. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
  - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent property in A and R Districts. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in the Zoning Ordinance for 50-foot buffers.
  - b. If outdoor play fields, courts, swimming pools and similar active recreational areas are setback more than 100 feet from the adjacent properties in A or R Districts, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.
  - c. Any playground areas shall be setback a minimum of forty (40) feet from all property lines. (P)
3. The operation of a child care center and/or school use shall be conducted in association with church or other places of worship use on the property. (P)
4. The child care center use will have a maximum enrollment of 50 children and the private school will have a maximum enrollment of 100 students. (P)

5. Direct access from the property to River Road shall be limited to two (2) entrance/exits. The exact location of these entrance/exits shall be approved by the Transportation Department. (T)
6. Prior to issuance of any additional building permits on the property, forty-five (45) feet of right of way on the east side of River Road, measured from the centerline of that part of River Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. Prior to enrollment of more than a cumulative total of one-hundred (100) students at the child care center and school, additional pavement shall be constructed on River Road at one of the entrance/exits approved access to provide a right turn lane. The developer shall dedicate, free and unrestricted, any additional right of way (or easements) required for these improvements. (T)

(NOTE: These conditions would not apply to any permitted use, such as a church, on the property.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0313:** In Dale Magisterial District, **DOUGLAS R. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre or less. This request lies on 12.7 acres fronting approximately 220 feet on the south line of Courthouse Road across from Claridge Drive. Tax ID 751-677-5012 (Sheet 16).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not comply with the Central Area Plan and not compatible with existing and anticipated development along this portion of the Courthouse Road Corridor.

Mr. Oliver "Skitch" Rudy, the applicant's representative, did not accept staff's recommendation, noting the widening of Courthouse Road had resulted in the area becoming more appropriate for transitional development; area residents supported the proposal; and the applicant felt the proffered conditions adequately addressed issues raised by the Transportation Department.

When asked, two (2) individuals stood to indicate support for the request.

Mr. Dallas Bradbury, an adjacent property owner, voiced support for the proposed use, noting that area residents felt the use would have less negative impact on the area than other permitted uses.

Mr. Gulley stated he intended to support a recommendation for approval of the request; however, he did not wish his action to be misconstrued as support for future similar requests in the area or a deviation from his position regarding the commercialization of the Courthouse Road Corridor.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0313 and acceptance of the following proffered conditions:

## PROFFERED CONDITIONS

The Owners-applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 751-677-5012-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for O-1 is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. The public water and wastewater systems shall be used. (U)
3. Prior to any site plan approval, a fifty (50) foot wide right-of-way for a special access street from Courthouse Road to the southern property line (the "North/South Access Road") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
4. Prior to any site plan approval, a fifty (50) foot wide right-of-way for a special access street from the North/South Access Road to adjacent properties, as determined by the Transportation Department, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. At the time of site plan review, the Transportation Department may modify this condition to allow an access easement, acceptable to the Transportation Department, to be recorded in lieu of dedicating the right-of-way. (T)
5. Direct access from the property to Courthouse Road shall be limited to the North/South Access Road. (T)
6. Prior to the issuance of a certificate of occupancy, additional pavement shall be constructed on Courthouse Road at the North/South Access Road to provide a right turn lane. The developer shall dedicate any additional right-of-way (or easements) required for this improvement, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. Nullification: The property owner and developer (the "Developer") in this zoning case, pursuant to 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County for themselves and their successors or assigns proffer that the development of the property known as Tax ID No. 751 677 012 00000 (the "Property") under consideration will be developed according to the foregoing conditions, if, and only if, the rezoning request applied for herein is granted. In the event the request is denied or approved

with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the property. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**02SN0145:** In Bermuda Magisterial District, **FRIDLEY'S WELDING SERVICE** requested rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5) of 1.9 acres, amendment to zoning (Case 98S115) on 1.5 acres of existing C-5 and Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 3.4 acres fronting approximately 450 feet on the west line of Jefferson Davis Highway, across from Gayland Avenue. Tax IDs 791-677-3297, 3392, 4189, 4284, 4379 and 4695 and 791-678-3418, 3513, 3608 and 3703 (Sheet 18).

Mr. Clay presented an overview of the request and staff's recommendation for approval of Requests I and II, respectively, relative to rezoning from Community Business (C-3) to General Business (C-5) of 1.9 acres and amendment to zoning (Case 98SN0115) relative to the maximum height of stored equipment, paving, access and uses. He further noted, however, staff recommended denial of Request III for a Conditional Use Planned Development to permit exceptions to Ordinance requirements relative to paving and screening of outside storage areas, as the exceptions were inconsistent with the goals and policies of the Jefferson Davis Corridor Plan which recommended improving the image and aesthetic quality of development along the corridor.

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation relative to Requests I and II but not Request III; addressed issues relative to the screening and paving, noting the applicant had made vast improvements to the site; and requested the applicant be allowed to gravel the tract mounted equipment and other outside storage areas, with the exception of that portion of the property located within 175 feet of Jefferson Davis Highway and 115 feet of the southern boundary which the applicant agreed to pave with concrete, bituminous concrete or other similar material.

In response to a question from Mr. Cunningham, Mr. Hawkins agreed to amend Proffered Condition 10.c. to provide a "solid wood or concrete privacy fence."

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Cunningham stated the applicant had made vast improvements to the site over the past few years; the proposed and existing improvements to the site provided screening to mitigate the impact of the use on area properties; that requiring paving of the entire site was not practical; and he felt a recommendation for approval was appropriate.

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 02SN0145 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

- I. The following shall apply to that portion of the property being rezoned to C-5 (Tax IDs 791-677-3297, 3392 and 4695, 791-678-3418, 3513, 3608 and 3703):

1. A minimum twenty-five (25) foot buffer shall be maintained along the western property boundary adjacent to the Taw Street right-of-way. This buffer shall conform to the requirements of the Zoning Ordinance for twenty-five (25) foot buffers. (P)
2. A buffer shall be provided to screen outside storage areas from properties to the east and west. This buffer shall be accomplished by building design or by the use of durable architectural walls or fences constructed of comparable materials to the principal building and using a design compatible to the principal building on the property. The treatment of this buffer shall be approved at the time of site plan review and approval. (P)

(Staff Note: This Proffered Condition applies to any areas no addressed by Proffered Condition 10.)

3. Prior to any site plan approval, sixty (60) feet of right-of-way on the west side of Jefferson Davis Highway (U.S. Route 1 & 301), as measured from the centerline of that part of the road immediately adjacent to the request property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. The public wastewater system shall be used when a public sanitary sewer line is in place and operational on the western side of Jefferson Davis highway (U.S. Route 1 & 301) and is within 200 feet of the request site. (U)

II. The following shall apply to the existing C-5 property (Tax IDs 791-677-4189, 4284 and 4379) and the proposed C-5 property (Tax IDs 791-677-3297, 3392 and 4695, 791-678-3418, 3513, 3608 and 3703):

5. Prior to any site plan approval, thirty (30) feet of right-of-way on the east side of Taw Street, as measured from the centerline of that part of the road immediately adjacent to the request property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. Direct access from the request property shall be limited to one (1) entrance/exit on Jefferson Davis Highway (Route 1 & 301). The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded to ensure shared use of this access with the adjacent property to the south. (T)

(Note: This condition supersedes Proffered Condition 2 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

7. All outside storage areas shall be surfaced with at least six (6) inches of No. 21 or No. 21A stone. That area located within 175 feet of Jefferson Davis Highway and 115 feet of the southern boundary shall be paved with concrete, bituminous concrete or other similar material. (P)

(Note: This condition supersedes Proffered Condition 5 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

8. Any equipment stored on site shall not exceed a stored height of twelve (12) feet. (P)

(Note: This condition supersedes Proffered Condition 6 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

9. Uses permitted shall be restricted to the following:

- a) Any permitted or restricted uses in the C-3 District.
- b) Any permitted or restricted uses in the I-1 District.
- c) Boat sales, service, repair and rental.
- d) Building material sales yard, not including concrete mixing.
- e) Commercial automobile parking.
- f) Contractor's shops and storage yards.
- g) Farm implements and machinery sales, service, rental and repair establishments
- h) Motor vehicle sales, service, repair and rental.
- i) Satellite dishes.
- j) Utility trailer and truck rentals. (P)

(Note: This condition supersedes Proffered Condition 7 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.

10. The view of any outside storage area shall be minimized by the following:

- a. A ten (10) to fourteen (14) foot high brick and metal siding, screening wall shall be installed generally parallel to Jefferson Davis Highway.
- b. A six (6) foot high wood privacy fence shall be installed along the western property line on the eastern edge of the twenty-five (25) foot buffer, as required by Proffered Condition 1.
- c. A brick and metal siding screening wall, with a top of wall elevation height equal to that of the wall of similar design as described in Condition 10a., shall be installed for a distance of sixty (60) feet parallel to the northern property line to enclose the storage area. In addition, an eight (8) foot high solid wood or concrete privacy fence shall be installed along this same line parallel to the northern property line for the remaining distance until it intersects the six (6) foot high wooden fence along the western property line as required in Proffered Condition 10.b. Landscaping shall be installed along the northern property boundary outside the fence to minimize the view of the fence from adjacent properties and rights of way. The exact species, spacing and size of landscaping shall be approved at the time of site plan review. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**F. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Stack, seconded by Mr. Gulley, that the meeting adjourned at approximately 7:52 p. m. to September 16, 2003, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

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Chairman/Date

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Secretary/Date